

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|---------------------------------------|---|---------------------------------------|
| In re: | : | |
| | : | Case No.: 23-21479 |
| John D. Mitzel | : | Chapter 13 |
| | : | Judge Carlota M. Bohm |
| Debtor(s) | : | * * * * * |
| | : | |
| John D. Mitzel | : | Date and Time of Hearing |
| Michelle Mitzel | : | December 7, 2023 at 02:30 p.m. |
| | : | |
| Movant, | : | |
| | : | |
| vs | : | Place of Hearing |
| | : | Courtroom B, 54th Floor |
| | : | |
| Ronda J. Winnecour | : | U.S. Steel Tower |
| PNC Bank, National Association | : | 600 Grant Street |
| | : | |
| Respondents. | : | Pittsburgh, PA 15219 |

Related Document # 37, 41

**STIPULATION AND ORDER OF CREDITOR PNC BANK, NATIONAL
ASSOCIATION TO SETTLE DEBTOR'S MOTION TO SELL REAL ESTATE KNOWN
AS 609 MARSHALL AVENUE FREE AND CLEAR OF THIRD PARTY INTERESTS,
LIENS, CLAIMS, CHARGES AND /OR ENCUMBRANCES IN ACCORDANCE WITH
11 U.S.C. § 363 (DOCKET #37) AND PNC BANK, NATIONAL ASSOCIATION'S
RESPONSE (DOCKET # 41)**

This matter has come before the Court on the Debtor's Motion to Sell Real Estate known as 609 Marshall Avenue Free and Clear of Third Party Interests, Liens, Claims, Charges and /or Encumbrances in Accordance with 11 U.S.C. § 363, which was filed in this Court by the Debtor John D. Mitzel by and through counsel ("Debtor") at docket #37 and the response filed by PNC Bank, National Association ("Creditor") at docket #41.

Parties stipulate to the following and request a Court Order confirming same.

1. Debtor's Motion to Sell is granted. Debtor is authorized to sell the property commonly known as 609 Marshall Ave, Pittsburgh, PA 15214 ("Property") to One Northside Homes LLC for a purchase price of \$118,000.00.

2. Debtor's counsel and/or Debtor's closing agent shall obtain a current payoff quote from Creditor to ensure the full amount of Creditor's lien is paid. Debtor's counsel and/or Debtor's closing agent shall contact Creditor the day of closing to ensure the payoff amount is valid and correct.
3. The authorized sale may not occur unless Creditor receives the full payoff amount.
4. The closing agent is permitted to pay real estate taxes, closing costs for the title policy, conveyance and recording fees, and inspections in addition to the full amount required to pay off the mortgage lien held by Creditor. Any remaining sale proceeds shall be turned over to the Trustee for distribution.
5. The Trustee is not expected to attend the closing. Therefore, the closing agent shall cause to be delivered to the Trustee within three (3) business days after closing, proceeds due it, if any, and a copy of the signed closing statement. Such statement shall show:
 - a. the amount paid to each lien holder;
 - b. the amount of any real estate taxes paid;
 - c. the name of and amount paid to any realtor;
 - d. any deductions from the sale proceeds with an explanation therefore;
 - e. any closing costs; and
 - f. the calculation of the total deductions from the sale proceeds and the amount of sale proceeds being paid to the plan.
6. Provided the above terms are met, the sale may occur at any time.

Submitted by:

/s/Alyk L. Oflazian
Alyk L. Oflazian (312912)

/s/ Brian C. Thompson
Brian C. Thompson

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Attorney for Debtor

/s/ Jim Warmbrodt for

Ronda J. Winnecour
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219

ORDER OF COURT

AND NOW, to wit, this ____ day of _____, 2023, upon consideration of the foregoing Stipulation for Settlement of Debtor's Motion to Sell Real Estate known as 609 Marshall Avenue Free and Clear of Third Party Interests, Liens, Claims, Charges and /or Encumbrances in Accordance with 11 U.S.C. § 363, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. The terms of the foregoing Stipulation are hereby approved in their entirety and incorporated herein as part of this Order.

By the Court:

CARLOTA M. BOHM, JUDGE
UNITED STATES BANKRUPTCY COURT

CC:

Alyk L. Oflazian, Attorney for Creditor, Manley Deas Kochalski LLC, P.O. Box 165028, Columbus, OH 43216-5028 (notified by ecf)

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov (notified by ecf)

Ronda J. Winnecour, Chapter 13 Trustee, Suite 3250, USX Tower, 600 Grant Street, Pittsburgh, PA 15219, cmecf@chapter13trusteedpa.com (notified by ecf)

Brian C. Thompson, Attorney for Debtor and/or Co-Debtor, 125 Warrendale Bayne Road, Suite 200, Warrendale, PA 15086, bthompson@ThompsonAttorney.com (notified by ecf)

John D. Mitzel, Debtor and/or Co-Debtor, 434 Perry Circle, Cranberry Twp, PA 16066 (notified by regular US Mail)

Michelle Mitzel, Debtor and/or Co-Debtor, 609 Marshall Ave, Pittsburgh, PA 15214 (notified by regular US Mail)